

JAN 11 2001

Attorney Docket No.: 10278-009001/98-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Allan M. Miller et al.
Serial No. : 09/407,605
Filed : September 28, 1999
Title : OPTIMIZED MESSENGER RNA

Art Unit : 1643
Examiner : H. Schnizer

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed December 14, 2000, applicants elect the invention of Group I, claims 1-48 and 58-63, drawn to synthetic nucleic acids, host cells, and methods of making the nucleic acids. The election is made without traverse.

Please amend the application as follows.

In the claims:

Cancel claims 1-63 without prejudice or disclaimer.

Add new claims 64 to 135 as follows.

--64. A synthetic nucleic acid sequence which encodes a protein wherein at least one non-common codon or less-common codon has been replaced by a common codon, and the synthetic nucleic acid sequence comprises a continuous stretch of at least 90 codons all of which are common codons.

65. The nucleic acid sequence of claim 64, wherein the continuous stretch occurs in a nucleic acid sequence which is selected from a group of sequences consisting of a sequence of a pre-pro-protein; a sequence of a pro-protein; a sequence of a mature protein; a "pre" sequence of

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